

**In the Drawings:**

There are no amendments to the drawings.

## REMARKS

Claims 1-20 are pending in this application. Claims 1-3, 7 and 11-15 have been amended. Claims 16-20 are new Claims. Claims 1 to 5, 8, 10 to 12 and 15 stand rejected under 35 U.S.C. §102 in view of US Patent Number 5,086,572 to Lee. Claims 1 to 5, 10 and 11 also stand rejected under 35 U.S.C. §102 in view of US Patent Number 2,027,757 to Whitfield. Claims 6, 13 and 14 stand rejected under 35 U.S.C. §103 in view of German Patent 1,034,067 to Hutchinson. Finally, Claims 7, 9 and have been rejected under 35 U.S.C. §103 in view of the Lee reference. Further, clarity objections against Claims 1, 2 and 11 to 15 have been raised.

Independent Claim 1, as amended is directed to an insole with a dome shaped arch in the center in the middle foot section, to support the foot of a person wearing a shoe with said insole. This approach is different from common insoles that provide support to the foot at the anatomical instep (i.e. at the side of the middle foot section). This difference becomes apparent from figure 1, reference sign "2".

In contrast, the cited Lee reference discloses a shoe ventilation system comprising an inner sole having a plurality of holes in the sole portion. Lee does not disclose a deformable dome-shaped arch in the central foot section as presently Claimed. In particular, in column 4, lines 5 to 8, an arch extended portion 24 is disclosed, which according to corresponding Figures 10a and 8 is not showing a dome-like bulge of the insole in the middle foot section. Moreover, Lee appears to disclose having ventilation openings throughout the surface of the insole (Figure 10a) or even having no opening in the area of the middle foot section (Figure 10b). In contrast, the present Claim language recites having at least one ventilation opening precisely in the region of the elastically deformable arch. Therefore, contrary to the assessment of the Examiner, the subject matter of Claim 1 and Claims 2-15 which depend therefrom are novel over Lee and the rejection under Section 102 should be rescinded.

Regarding the Section 102 rejection of Claims 1-5, 10, 11 as lacking novelty in view of Whitfield, the Examiner is directed to the amendment of Claim 1 which provides detailed characteristics of the dome-shaped arch. In particular, this Amendment recites that the dome shaped arch exhibits a

structure in which in a profile view of the arch the side walls run together to form a convex shape and is interrupted by an invention in the central section of the arch. Neither Whitfield or any of the other cited documents disclose such a particular structure and independent of the presence of venting holes. Thus, the rejection over Whitfield should be rescinded.

With respect to the Section 103 rejection, the applicant notes that even if the cited references were combined, the Claimed invention (as amended) would not result. It is axiomatic that a combination of references must achieve the advantages (i.e., result in) of the claimed invention. *Interconnect Planning Corp. v. Feil, et al.*, 227 U.S.P.Q. 543 (Fed. Cir. 1985). Thus, the Section 103 rejection should be rescinded.

New independent Claim 16 is identical to amended independent Claim 1 except for deletion of the ventilation hole limitation and thus should be allowable for the same reasons as amended Claim 1. New Claims 17-20 depend from Claim 16 and correspond to dependent Claims 7-10.


With respect to the remaining clarity objections, the objected term "web" in Claim 8 is used to express a web for stabilizing the arch binding laterally to the longitudinal direction of the insole as described in the specification and as shown at reference numeral 13 in the drawings and thus appears to be clear. Other amendments have been made to preclude antecedent basis issues.

In view of the above, the application is believed to be in condition for allowance.

The Examiner is invited to contact the Applicant's representative by telephone at 206.381.3300  
to resolve any remaining issues.

Respectfully submitted,

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